

Committee Room,  
Austin, Texas, April 17, 1933.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 88, "An Act to provide for  
liens in favor of hospitals and other  
institutions furnishing care, treat-  
ment, and maintenance of persons in-  
jured in accidents, upon the rights of  
action, claims, and demands of such  
injured persons against other persons  
or corporations for damages on ac-  
count of negligence causing the in-  
juries, and upon the proceeds of the  
settlements of any such claims or de-  
mands, and declaring an emergency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

#### FIFTY-SECOND DAY

(Tuesday, April 18, 1933)

The House met at 9:30 o'clock a. m.,  
pursuant to adjournment, and was  
called to order by Speaker Stevenson.

The roll was called, and the follow-  
ing Members were present:

Mr. Speaker.	Daniel.
Adamson.	Davidson.
Aikin.	Dean.
Alexander.	Devall.
Alsup.	Dunlap.
Anderson	Dunagan.
of Bexar.	Duvall.
Anderson	Dwyer.
of Johnson.	Engelhard.
Baker.	Fain.
Barrett.	Few.
Barron.	Fisher.
Beck.	Ford.
Bedford.	Fuchs.
Bourne.	Glass.
Bradley.	Golson.
Burns.	Good.
Butler.	Goodman.
Calvert.	Graves.
Camp.	Greathouse.
Canon.	Griffith.
Cathey.	Haag.
Caven.	Hankamer.
Chastain.	Harman.
Clayton.	Harris.
Colson.	Harrison.
Coombes.	Hartzog.
Cowley.	Head.
Crossley.	Hester.

Hicks.	Parkhouse.
Hill of Brazoria.	Patterson.
Hill of Webb.	Pavlica.
Hodges.	Pope.
Holekamp.	Puryear.
Holland.	Ramsey.
Holloway.	Ratliff.
Hoskins.	Ray.
Huddleston.	Reader.
Hughes.	Reed of Bowie.
Hunt.	Reed of Dallas.
Hyder.	Renfro.
Jackson.	Riddle.
James.	Roberts.
Jefferson.	Rogers of Hunt.
Jones of Atascosa.	Rogers
Jones of Runnels.	of Ochiltree.
Jones of Shelby.	Rollins.
Kayton.	Ross.
Kyle of Hays.	Russell.
Kyle of Palo Pinto.	Savage.
Laird.	Scarborough.
Latham.	Scott.
Lemens.	Shannon.
Leonard.	Shults.
Lindsey.	Smith.
Long.	Stanfield.
Lotief.	Steward.
Mackay.	Stinson.
Magee.	Stovall.
Mathis.	Tarwater.
McClain.	Tennyson.
McDougald.	Thomas.
McGregor.	Tillery.
McKee.	Townsend.
Merritt.	Turlington.
Metcalfe.	Van Zandt.
Mitcham.	Vaughan.
Moffett.	Wagstaff.
Moore.	Walker.
Morrison.	Wells.
Morse.	West.
Munson.	Winningham.
Nicholson.	Wood.
Palmer.	Young.

#### Absent

Johnson of Anderson.

#### Absent—Excused

Johnson	Sullivan.
of Dimmit.	Weinert.
McCullough.	

A quorum was announced present.

Prayer was offered by Rev. Geo. W.  
Coltrin, Chaplain.

#### LEAVES OF ABSENCE GRANTED

The following Members were grant-  
ed leaves of absence on account of  
important business:

Mr. Alsup for Monday of this week, on motion of Mr. Fisher.

Mr. Bradley for Monday of this week, on motion of Mr. Adamson.

The following Members were granted leaves of absence on account of illness:

Mr. McCullough for today, on motion of Mr. Cathey.

Mr. Johnson of Dimmit for today and the balance of the week, on motion of Mr. Ford.

#### HOUSE JOINT RESOLUTION ON FIRST READING

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. McGregor, Mr. Laird, Mr. Jones of Atascosa, Mr. Duvall, and Mrs. Hughes:

H. J. R. No. 44, Proposing an amendment to Article III, of the Constitution of the State of Texas, to be known as Section 51-a, providing that the Legislature may authorize by law the issuance and sale of bonds of the State of Texas, not to exceed the sum of twenty million dollars (\$20,000,000), bearing interest not to exceed four and one-half per cent (4½%) per annum, and to mature not to exceed ten (10) years from their date, to be used for relieving the hardships of unemployment; providing for appropriations to pay said bonds, and limiting the grant of power to two years from date of adoption; providing for submission of same to the qualified voters of the State; providing for the necessary proclamation, and making an appropriation to defray the expenses of the proclamation, publication, and election.

Referred to Committee on Constitutional Amendments.

#### BILL ORDERED PRINTED

Mr. Morse moved that Senate Bill No. 123, reported adversely, with a minority favorable report, be printed.

The motion prevailed by the following vote:

Yeas—65

Adamson.	Anderson
Alexander.	of Bexar.

Beck.	Jones of Shelby.
Bourne.	Laird.
Burns.	Lotief.
Butler.	Mackay.
Clayton.	McClain.
Cowley.	McGregor.
Daniel.	McKee.
Devall.	Merritt.
Engelhard.	Mitcham.
Few.	Moore.
Ford.	Morse.
Fuchs.	Nicholson.
Glass.	Palmer.
Golson.	Patterson.
Good.	Reader.
Goodman.	Riddle.
Graves.	Ross.
Greathouse.	Scarborough.
Haag.	Shannon.
Harman.	Stanfield.
Hicks.	Steward.
Hill of Webb.	Stinson.
Holekamp.	Stovall.
Holland.	Tillery.
Holloway.	Townsend.
Huddleston.	Turlington.
Hughes.	Wagstaff.
Hunt.	Wells.
Jackson.	West.
James.	Winningham.
Jones of Runnels.	Wood.

#### Nays—39

Aikin.	Lindsey.
Alsup.	Magee.
Anderson	Metcalfe.
of Johnson.	Moffett.
Baker.	Munson.
Barrett.	Parkhouse.
Bedford.	Pavlica.
Calvert.	Ratliff.
Canon.	Ray.
Chastain.	Reed of Bowie.
Crossley.	Reed of Dallas.
Fain.	Renfro.
Fisher.	Roberts.
Hankamer.	Russell.
Hartzog.	Savage.
Head.	Scott.
Hester.	Thomas.
Hodges.	Van Zandt.
Hoskins.	Vaughan.
Kyle of Hays.	Young.

#### Absent

Barron.	Dunlap.
Bradley.	Dunagan.
Camp.	Duvall.
Cathey.	Dwyer.
Caven.	Griffith.
Colson.	Harris.
Coombes.	Harrison.
Davidson.	Hill of Brazoria.
Dean.	Hyder.

Jefferson.	Pope.
Johnson	Purveyar.
of Anderson.	Ramsey.
Jones of Atascosa.	Rogers of Hunt.
Kayton.	Rogers
Kyle of Palo Pinto.	of Ochiltree.
Latham.	Rollins.
Lemens.	Shults.
Leonard.	Smith.
Long.	Tarwater.
Mathis.	Tennyson.
McDougald.	Walker.
Morrison.	

Absent—Excused

Johnson	Sullivant.
of Dimmit.	Weinert.
McCullough.	

#### NOTICES GIVEN

Mr. Lotief gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 508, which bill had heretofore been laid on the table subject to call.

Mr. Savage gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 12, which bill had heretofore been laid on the table subject to call.

Mr. Daniel gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 717, which bill had heretofore been laid on the table subject to call.

Mr. Pope gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 95, which bill had heretofore been laid on the table subject to call.

Mr. Bradley gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 100, which bill had heretofore been laid on the table subject to call.

Mr. Van Zandt gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 144, which bill had heretofore been laid on the table subject to call.

Mr. Lindsey gave notice that he would, on the next legislative day, move to take up, for consideration at

that time, House Bill No. 649, which bill had heretofore been laid on the table subject to call.

Mr. Graves gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 464, which bill had heretofore been laid on the table subject to call.

#### INVITING REPRESENTATIVES OF HOME DEMONSTRATION CLUBS TO ADDRESS LEGISLATURE

Mr. Tarwater offered the following resolution:

H. C. R. No. 67, Providing for a Joint Session of the House and Senate.

Whereas, Several hundred men and women from all parts of Texas are now in Austin representing home demonstration clubs and county agents from different counties of Texas; and

Whereas, These citizens represent the farm homes of Texas, and many of them have traveled hundreds of miles to reach Austin; and

Whereas, They wish to present to the Legislature the excellent work now being done by the home demonstration clubs under the leadership of the home demonstration agents and county agents; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a Joint Session of the House and Senate be held in the Chamber of the House of Representatives between 1:30 and 2:30 o'clock this afternoon; that these visitors be extended the privileges of the floor, and that representatives of these forces be invited to address the Joint Session of the House and Senate.

Signed—Tarwater, Hodges, Alexander, Aikin, Metcalfe, Canon, Moffett, Fain, Greathouse, Thomas.

The resolution was read second time, and was adopted.

#### TO GRANT E. B. SULLIVAN AND W. W. HAWKINS PERMIS- SION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 28, To grant E. B. Sullivan and W. W. Hawkins permission to sue the State.

Whereas, E. B. Sullivan and W. W. Hawkins, citizens of Harris County, Texas, are the owners, subject to an oil and gas lease in favor of the Humble Oil & Refining Company, of that certain tract of land consisting of 15.77 acres of land, more or less, in Montgomery County, Texas, claimed by said E. B. Sullivan and W. W. Hawkins to be a portion of the Theo Slade Survey, said tract being described as follows:

"Beginning at an iron pipe in the west boundary line of what is known as the W. M. Real Survey, from which a 12-inch dh gum, marked X, bears north 8 east 4 vrs. and a 16-inch red oak, marked X, bears north 59 west 4 vrs.;

"Thence south 0 40 west 134.7 vrs. to a point in the north boundary line of the Ransom House one-third league and labor;

"Thence with the north boundary line of said Ransom House Survey to the northwest corner of same;

"Thence north 15 west 118.4 vrs., more or less, to an iron pipe in the south boundary lines of the portion of the Theo Slade Survey set aside to A. J. Thurston in a partition of said survey between Chas. L. Rogers and A. J. Thurston as per decree dated January 28, 1907, in Cause No. 4160, in the District Court of Montgomery County, Texas, styled Chas. L. Rogers vs. Cash & Luckel et al., from which an 18-inch elm, marked X, bears north 47 east 10 vrs. and a 12-inch pipe, marked X, bears south 32 west 4 vrs.;

"Thence with south boundary line of that portion of said Theo Slade Survey, set aside to the said A. J. Thurston north 74.07 east 736.3 vrs. to the place of beginning"; and

Whereas, under a claim of said tract being a vacancy, the Hon. J. H. Walker, Commissioner of the General Land Office of Texas did, on the tenth day of November, 1932, in the name of the State, execute and deliver a mineral lease covering said above 15.77 acres of land to one J. E. Franks; and

Whereas, The Humble Oil & Refining Company has acquired title of both the said E. B. Sullivan and W. W. Hawkins and the said J. E. Franks for the purpose of drilling and exploring said land as to the minerals thereunder, with certain obligations on the part of said Humble Oil & Refining Company for the payment of a cer-

tain part or portion of the minerals produced as a royalty, and there is a dispute or question as to whether such payment should be made to W. W. Hawkins and E. B. Sullivan or to the State of Texas; and

Whereas, Said 15.77 acres of land is located in what is known as the Conroe oil field, in Montgomery County, Texas, and the Humble Oil & Refining Company has at this time entered upon said land, drilled the same, and has produced oil therefrom, and will continue to produce oil therefrom, and is ready to pay to the party or parties having the title to said land the royalties and oil payments due said party or parties under the oil and gas lease under which the said Humble Oil & Refining Company holds such title; and

Whereas, The said Humble Oil & Refining Company cannot, with safety, make payment to either the said E. B. Sullivan and W. W. Hawkins, under their claim of title, or the State of Texas, under its claim of title, until the question of the title to said land is determined by judicial proceedings; and

Whereas, E. B. Sullivan and W. W. Hawkins claim the title to said land and claim that said land was not vacant land at the time of the execution of the lease by the said J. H. Walker, Land Commissioner, to the said J. E. Franks, and the said J. H. Walker, Land Commissioner, claims that said land was vacant land at said time.

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the said E. B. Sullivan and W. W. Hawkins be, and they are hereby, granted permission to bring suit to test the title to the above-described land and minerals thereunder, against the State of Texas, venue of said suit to be in Travis County, and in case said suit is so filed, service of citation or any other necessary process to be had in said cause, in so far as the State of Texas is concerned, may be had upon the said J. H. Walker, Commissioner of the General Land Office of Texas, and the Attorney General of the State of Texas with the same force and effect as made and provided for in civil cases.

The resolution was read second time, and was referred by the Speaker, to the Committee on State Affairs.

# RELATIVE TO PURCHASE OF AUTOMOBILES BY THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 42, Relative to purchase of automobiles by the State.

Whereas, The appropriation bills now before the Legislature will limit expenditures for State-purchased automobiles to seven hundred and fifty dollars (\$750) each, and

Whereas, It is imperative that expenditures for State-purchased cars during the remainder of the current biennium be limited to the same amount, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That all departments and institutions of the State be, and they are hereby, directed to desist in the purchase of automobiles in excess of seven hundred and fifty dollars (\$750) each, for the remainder of the current biennium, and that in the purchase of automobiles for the remainder of the current biennium, each department and institution shall submit request for the purchase of automobiles through the regular channels, i. e., on bids through the Board of Control.

The resolution was read second time, and was adopted.

## RELATIVE TO HOUSE BILL NO. 372

Mr. Roberts moved that House Bill No. 372 be laid on the table subject to call.

The motion was lost by the following vote:

Yeas—45

Adamson.	Hester.
Aikin.	Hicks.
Anderson	Hill of Brazoria.
of Bexar.	Hodges.
Baker.	Holekamp.
Beck.	Holland.
Camp.	Hoskins.
Canon.	James.
Cathey.	Jefferson.
Daniel.	Latham.
Davidson.	Lotief.
Dunagan.	McClain.
Engelhard.	McKee.
Fain.	Metcalfe.
Golson.	Morse.
Good.	Pope.
Haag.	Ray.

Reed of Bowie.  
Renfro.  
Riddle.  
Roberts.  
Russell.  
Savage.

Shannon.  
Shults.  
Townsend.  
Van Zandt.  
Wagstaff.  
Wood.

Nays—62

Alexander.	Kyle of Palo Pinto.
Alsup.	Laird.
Anderson	Lemens.
of Johnson.	Leonard.
Barrett.	Lindsey.
Barron.	Mackay.
Bedford.	Magee.
Bourne.	McDougald.
Burns.	Merritt.
Calvert.	Mitcham.
Clayton.	Moffett.
Cowley.	Moore.
Crossley.	Munson.
Dwyer.	Nicholson.
Few.	Palmer.
Ford.	Parkhouse.
Glass.	Pavlica.
Goodman.	Puryear.
Graves.	Ratliff.
Greathouse.	Reed of Dallas.
Hankamer.	Ross.
Harman.	Scarborough.
Head.	Smith.
Hill of Webb.	Stanfield.
Hughes.	Stinson.
Hunt.	Stovall.
Hyder.	Tillery.
Jackson.	Turlington.
Jones of Atascosa.	Vaughan.
Jones of Runnels.	Wells.
Jones of Shelby.	Young.
Kyle of Hays.	

Present—Not Voting

Dean.	Devall.
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Absent

Bradley.	Long.
Butler.	Mathis.
Caven.	McGregor.
Chastain.	Morrison.
Colson.	Patterson.
Coombes.	Ramsey.
Dunlap.	Reader.
Duvall.	Rogers of Hunt.
Fisher.	Rogers
Fuchs.	of Ochiltree.
Griffith.	Rollins.
Harris.	Scott.
Harrison.	Steward.
Hartzog.	Tarwater.
Holloway.	Tennyson.
Huddleston.	Thomas.
Johnson	Walker.
of Anderson.	West.
Kayton.	Winningham.

## Absent—Excused

Johnson	Sullivant.
of Dimmit.	Weinert.
McCullough.	

RELATIVE TO HOUSE BILL NO.  
832

Mr. Jefferson moved that House Bill No. 832 be laid on the table subject to call.

The motion was lost (not receiving the necessary two-thirds vote) by the following vote:

## Yeas—55.

Anderson	Hoskins.
of Johnson.	Hughes.
Barrett.	Jackson.
Beck.	James.
Bedford.	Jefferson.
Butler.	Jones of Shelby.
Camp.	Kyle of Palo Pinto.
Cathey.	Latham.
Caven.	Lotief.
Clayton.	Mackay.
Coombes.	McClain.
Daniel.	Metcalf.
Davidson.	Mitcham.
Devall.	Moore.
Dunagan.	Morse.
Dwyer.	Patterson.
Fain.	Pavlica.
Ford.	Pope.
Glass.	Reader.
Good.	Renfro.
Greathouse.	Riddle.
Griffith.	Roberts.
Hankamer.	Savage.
Head.	Shannon.
Hester.	Smith.
Hicks.	Stanfield.
Hill of Brazoria.	Van Zandt.
Holland.	Young.

## Nays—52

Adamson.	Hyder.
Aikin.	Jones of Runnels.
Alexander.	Kyle of Hays.
Alsup.	Lemens.
Baker.	Leonard.
Bourne.	Lindsey.
Calvert.	Magee.
Canon.	McDougald.
Chastain.	Merritt.
Cowley.	Moffett.
Dean.	Morrison.
Few.	Munson.
Fisher.	Nicholson.
Goodman.	Palmer.
Graves.	Parkhouse.
Haag.	Puryear.
Harman.	Ratliff.
Holekamp.	Ray.
Hunt.	Reed of Bowie.

Reed of Dallas.  
Ross.  
Scott.  
Shults.  
Stovall.  
Tarwater.  
Thomas.

Tillery.  
Turlington.  
Vaughan.  
Wagstaff.  
Wells.  
Winningham.  
Wood.

## Absent

Anderson	Jones of Atascosa.
of Bexar.	Kayton.
Barron.	Laird.
Bradley.	Long.
Burns.	Mathis.
Colson.	McGregor.
Crossley.	McKee.
Dunlap.	Ramsey.
Duvall.	Rogers of Hunt.
Engelhard.	Rogers
Fuchs.	of Ochiltree.
Golson.	Rollins.
Harris.	Russell.
Harrison.	Scarborough.
Hartzog.	Steward.
Hill of Webb.	Stinson.
Hodges.	Tennyson.
Holloway.	Townsend.
Huddleston.	Walker.
Johnson	West.
of Anderson.	

## Absent—Excused

Johnson	Sullivant.
of Dimmit.	Weinert.
McCullough.	

RELATIVE TO HOUSE BILL NO.  
283

Mr. Van Zandt moved that House Bill No. 283 be laid on the table subject to call.

The motion was lost (not receiving the necessary two-thirds vote) by the following vote:

## Yeas—69

Adamson.	Fain.
Aikin.	Fisher.
Alexander.	Ford.
Alsup.	Glass.
Anderson	Golson.
of Johnson.	Good.
Baker.	Goodman.
Barron.	Graves.
Bedford.	Griffith.
Bourne.	Head.
Camp.	Hester.
Canon.	Hodges.
Chastain.	Hoskins.
Coombes.	Hughes.
Daniel.	Hunt.
Dunagan.	Hyder.
Dwyer.	James.
Engelhard.	Jefferson.

Jones of Atascosa.	Ratliff.
Jones of Runnels.	Ray.
Jones of Shelby.	Riddle.
Kyle of Hays.	Roberts.
Latham.	Rogers
Lemens.	of Ochiltree.
Lindsey.	Savage.
Lotief.	Shannon.
Mackay.	Shults.
McClain.	Stanfield.
Merritt.	Thomas.
Metcalf.	Turlington.
Moffett.	Van Zandt.
Munson.	Vaughan.
Parkhouse.	Wagstaff.
Pavlica.	Weinert.
Puryear.	Young.
Ramsey.	

## Nays—45

Barrett.	McDougald.
Beck.	McKee.
Butler.	Mitcham.
Calvert.	Moore.
Cathey.	Morrison.
Caven.	Morse.
Clayton.	Nicholson.
Cowley.	Pope.
Davidson.	Reed of Bowie.
Dean.	Reed of Dallas.
Devall.	Renfro.
Few.	Ross.
Greathouse.	Scott.
Haag.	Smith.
Hankamer.	Stinson.
Hartzog.	Stovall.
Hicks.	Tarwater.
Hill of Brazoria.	Tillery.
Holekamp.	Wells.
Holland.	West.
Jackson.	Winningham.
Kyle of Palo Pinto.	Wood.
Magee.	

## Present—Not Voting

Dunlap.

## Absent

Anderson	Laird.
of Bexar.	Leonard.
Bradley.	Long.
Burns.	Mathis.
Colson.	McGregor.
Crossley.	Palmer.
Duvall.	Patterson.
Fuchs.	Reader.
Harman.	Rogers of Hunt.
Harris.	Rollins.
Harrison.	Russell.
Hill of Webb.	Scarborough.
Holloway.	Steward.
Huddleston.	Tennyson.
Johnson	Townsend.
of Anderson.	Walker.
Kayton.	

## Absent—Excused

Johnson	McCullough.
of Dimmit.	Sullivant.

RELATIVE TO HOUSE BILL NO.  
184

Mr. Graves moved that House Bill No. 184 be laid on the table subject to call.

The motion was lost (not receiving the necessary two-thirds vote) by the following vote:

## Yeas—71

Aikin.	Jones of Runnels.
Alsup.	Kyle of Hays.
Anderson	Laird.
of Johnson.	Latham.
Barrett.	Lindsey.
Beck.	Lotief.
Bedford.	Mackay.
Butler.	Magee.
Canon.	McClain.
Cathey.	McKee.
Cowley.	Merritt.
Daniel.	Metcalf.
Davidson.	Morrison.
Dean.	Palmer.
Dwyer.	Puryear.
Engelhard.	Ray.
Fain.	Reader.
Few.	Reed of Bowie.
Fisher.	Riddle.
Ford.	Rogers of Hunt.
Fuchs.	Rogers
Glass.	of Ochiltree.
Golson.	Scarborough.
Graves.	Scott.
Greathouse.	Smith.
Griffith.	Stanfield.
Hartzog.	Steward.
Head.	Stovall.
Hester.	Tarwater.
Hodges.	Tillery.
Holloway.	Turlington.
Hoskins.	Vaughan.
Hughes.	Wells.
Hunt.	West.
James.	Winningham.
Jefferson.	Young.
Jones of Atascosa.	

## Nays—42

Adamson.	Duvall.
Alexander.	Goodman.
Baker.	Haag.
Barron.	Hankamer.
Bourne.	Hicks.
Calvert.	Hill of Brazoria.
Chastain.	Holekamp.
Clayton.	Hyder.
Devall.	Kyle of Palo Pinto.
Dunlap.	Leonard.

McDougald.  
Mitcham.  
Moore.  
Munson.  
Nicholson.  
Parkhouse.  
Patterson.  
Pavlica.  
Ratliff.  
Reed of Dallas.  
Renfro.

Roberts.  
Ross.  
Shannon.  
Shults.  
Stinson.  
Thomas.  
Townsend.  
Van Zandt.  
Wagstaff.  
Weinert.  
Wood.

## Absent

Anderson of Bexar.	Johnson of Anderson.
Bradley.	Jones of Shelby.
Burns.	Kayton.
Camp.	Lemens.
Caven.	Long.
Colson.	Mathis.
Coombes.	McGregor.
Crossley.	Moffett.
Dunagan.	Morse.
Good.	Pope.
Harman.	Ramsey.
Harris.	Rollins.
Harrison.	Russell.
Hill of Webb.	Savage.
Holland.	Tennyson.
Huddleston.	Walker.
Jackson.	

## Absent—Excused

Johnson of Dimmit.	McCullough. Sullivant.
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## BILL LAID ON THE TABLE SUBJECT TO CALL

Mr. Mitcham moved that House Bill No. 528 be laid on the table subject to call.

The motion prevailed by the following vote:

Yeas—80

Aikin.	Goodman.
Anderson of Johnson.	Greathouse.
Bedford.	Griffith.
Bourne.	Hankamer.
Canon.	Harman.
Clayton.	Hester.
Colson.	Hicks.
Cowley.	Hill of Brazoria.
Daniel.	Hill of Webb.
Dunagan.	Hodges.
Dwyer.	Holekamp.
Fain.	Holloway.
Few.	Hughes.
Fisher.	Hunt.
Ford.	Hyder.
Fuchs.	James.
Glass.	Jefferson.
Golson.	Jones of Runnels.
Good.	Kyle of Hays.
	Kyle of Palo Pinto.

Latham.  
Leonard.  
Lindsey.  
Mackay.  
Magee.  
McDougald.  
McKee.  
Merritt.  
Metcalf.  
Mitcham.  
Moffett.  
Moore.  
Morrison.  
Morse.  
Munson.  
Palmer.  
Parkhouse.  
Pavlica.  
Pope.  
Purvey.  
Reader.

Reed of Bowie.  
Riddle.  
Ross.  
Savage.  
Scarborough.  
Smith.  
Stanfield.  
Steward.  
Stinson.  
Stovall.  
Sullivant.  
Tarwater.  
Tennyson.  
Tillery.  
Townsend.  
Turlington.  
Wagstaff.  
Walker.  
Wells.  
Wood.

## Nays—20

Adamson.	Jackson.
Alexander.	Lotief.
Baker.	Nicholson.
Beck.	Ratliff.
Butler.	Reed of Dallas.
Calvert.	Scott.
Caven.	Shults.
Coombes.	Van Zandt.
Davidson.	Vaughan.
Engelhard.	Winningham.

## Present—Not Voting

Devall.	Ray.
Haag.	

## Absent

Alsup.	Johnson
Anderson of Bexar.	of Anderson.
Barrett.	Jones of Atascosa.
Barron.	Jones of Shelby.
Bradley.	Kayton.
Burns.	Laird.
Camp.	Lemens.
Cathey.	Long.
Chastain.	Mathis.
Crossley.	McClain.
Dean.	McGregor.
Dunlap.	Patterson.
Duvall.	Ramsey.
Graves.	Renfro.
Harris.	Roberts.
Harrison.	Rogers of Hunt.
Hartzog.	Rogers of Ochiltree.
Head.	Rollins.
Holland.	Russell.
Hoskins.	Shannon.
Huddleston.	Thomas.
	West.
	Young.

## Absent—Excused

Johnson of Dimmit.	McCullough. Weinert.
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Mr. Moffett moved a call of the House for the purpose of maintaining a quorum until 12 o'clock m., today, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no Member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Alexander, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

#### BILL LAID ON THE TABLE SUBJECT TO CALL

Mr. Greathouse moved that House Bill No. 476 be laid on the table subject to call.

The motion prevailed.

#### RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

S. C. R. No. 42, Relative to the purchase of automobiles by the State.

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 262

Mr. Leonard, chairman, submitted, for consideration at this time, the conference committee report on Senate Bill No. 262;

The report having been printed in the Journal on last Friday.

The Leonard moved that the report be adopted.

Mr. Pope moved, as a substitute motion, that the report be not adopted, and that a new conference committee be appointed, with instructions to adhere to the provisions of the minority report.

Question first recurring on the motion by Mr. Pope, it prevailed.

Question recurring on the motion as substituted, it prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee: Messrs. Jones of Atascosa, Pope, Leonard, Engelhard, and Scott.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, April 18, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 67, Providing for a Joint Session of the House and Senate from 1:30 to 2:30 o'clock, this afternoon, to allow home demonstration clubs and county agents to present the work being done by them.

S. C. R. No. 38, Relating to the purchase of additional land for the San Antonio State Hospital.

S. C. R. No. 43, Endorsing Jack Love for a position as page in the National House of Representatives.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### HOUSE JOINT RESOLUTION NO. 1 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 1, Proposing an amendment to the Constitution of the State of Texas by adding to Article IX thereof a new section, to be numbered 3, so as to authorize any county having more than 60,000 population to adopt a home rule charter for the establishment and regulation of its government, which may provide that the commissioners court of such counties may serve as the governing body, or some other body shall act in lieu thereof, etc."

The resolution was read second time.

Mr. Morse offered the following committee amendment to the resolution:

Amend House Joint Resolution No. 1 by striking out all below the resolving clause, and inserting in lieu thereof the following:

"Section 1. That Article IX, of the Constitution of Texas, be amended by adding thereto a Section, to be Section 3, which shall provide:

"Section 3. (1) Holding the belief that the highest degree of local self-government, which is consistent with the efficient conduct of those affairs by necessity lodged in the Nation and

the State, will prove most responsive to the will of the people, and result to reward their diligence and intelligence by greater economy and efficiency in their local governmental affairs, it hereby is ordained:

“(2) Any county having a population of 100,000, or more, according to the then last Federal Census, may adopt a county home rule charter, to embrace those powers appropriate hereto, within the specific limitations hereinafter provided. It further is provided that the Legislature, by a favoring vote of two-thirds of the total Membership of both the Senate and the House, may authorize any county, having a population less than that above specified, to proceed hereunder for the adoption of a charter; however, as a condition for such authorization, it is required that notice of the intent to seek legislative authority hereunder must be published in one or more newspapers, to give general circulation in the county affected, not less than once per week for four consecutive weeks, and the first of such publications shall appear not less than thirty days next prior to the time an Act making proposal hereunder may be introduced in the Legislature. No county home rule charter may be adopted by any county save upon a favoring vote of the resident qualified electors of the affected county. In elections submitted to the voters a proposal to adopt a charter (unless otherwise provided by a two-thirds vote of the total Membership of each House of the Legislature), the votes cast by the qualified electors residing within the limits of all the incorporated cities and towns of the county shall be separately kept but collectively counted; the votes of the qualified electors of the county who do not reside within the limits of any incorporated city or town likewise shall be separately kept and counted, and unless there be a favoring majority of the votes cast, both within and without such collective cities and towns, the charter shall not be adopted. It expressly is forbidden that any such charter may inconsonantly affect the operation of the general laws of the State relating to the judicial, tax, fiscal, educational, police, highway, and health systems, or any other department of the State's superior government. Nothing herein contained shall be deemed to authorize the adoption of a charter provision inimicable

to or inconsistent with the sovereignty and established public policies of this State, and no provision having such vice shall have validity as against the State. No charter provision may operate to impair the exemption of homesteads as established by this Constitution and the statutes relating thereto.

“(3) a. A charter hereunder may provide: the continuance of a county commissioners court, as now constituted, to serve as the governing body of a county to operate hereunder; or, may provide for a governing body otherwise constituted, which shall be elective, and service therein shall be upon such qualifications, for such terms, under such plan of representation, and upon such conditions of tenure and compensation as may be fixed by any such charter. The terms for service in such governing body may exceed two years but shall not exceed six years. In any event, in addition to the powers and duties provided by any such charter, such governing body shall exercise all powers, and discharge all duties which, in the absence of the provisions hereof, would devolve by law on county commissioners and county commissioners courts. Further, any such charter may provide for the organization, reorganization, establishment, and administration of the government, including the control and regulation of the performance of, and the compensation for, all duties required in the conduct of the county affairs, subject to the limitations herein provided.

“b. A charter hereunder may provide that judges of county courts (including that county court designated in this Constitution), and justices of the peace be compensated upon a salary basis in lieu of fees. The jurisdiction of the county court designated in this Constitution, and the duties of the judges thereof, may be confined to that general jurisdiction of a probate court which elsewhere is defined in this Constitution. The office of justice of the peace may be made either elective or appointive. Other than as herein provided, no such charter shall provide for altering the jurisdiction or procedure of any court. The duties of district attorney and/or county attorney may be confined to representing the State in civil cases to which the State is a party, and to enforcement of the State's Penal Code, and the compen-

sation of said attorneys may be fixed on a salary basis in lieu of fees.

"c. Save as hereinbefore and hereinafter otherwise provided, such charters, within the limits expressed therein, may invest the governing body to be established for any county electing to operate hereunder with the power to create, consolidate, or abolish any office or department, whether created by other provisions of the Constitution or by statute, define the duties thereof, fix the compensation for service therein, make the same elective or appointive, and prescribe the time, qualifications, and conditions for tenure in any such office; save, that no such charter, other than hereinbefore as authorized, shall provide to regulate the status, service, duties, or compensation of Members of the Legislature, judges of the courts, district attorneys, county attorneys, or any office whatever by the law of the State required to be filled by an election embracing more than one county. Excepting herefrom nominations, elections, or appointments to offices, the terms whereof may not have expired prior to the adoption of this amendment to the Constitution, at such time as a charter provision adopted hereunder may be in effect (save as to those offices which must continue to be elective, as herein elsewhere specified), all terms of county officers and all contracts for the giving of service by deputies under such officers, may be subject to termination by the administrative body of the county, under an adopted charter so providing, and there shall be no liability by reason thereof.

"d. Any county, electing to operate hereunder, shall have the power, by charter provision, to levy, assess, and collect taxes (other than taxes to retire authorized bonded indebtedness), to fix the maximum rate for ad valorem taxes to be levied for each specific purpose, in accordance with the Constitution and laws of this State; provided, however, that the limit of the aggregate taxes which may be levied, assessed, and collected hereunder shall not exceed the limit, or total, fixed, or hereafter to be fixed, by this Constitution, to control counties, and the annual assessment upon property, both real, personal, and mixed, shall be a first superior and prior lien thereon.

"e. In addition to the powers here-

in provided, and in addition to powers included in the county home rule charters, any county may, by a majority vote of the qualified electors of said county, amend its charter to include other powers, functions, duties, and rights which now or hereafter may be provided by this Constitution and the statutes of the State for counties.

"(4) Any county, operating hereunder, shall have the power to borrow money for all purposes lawful under its charter, to include the refunding of a lawful debt, in a manner conforming to the general laws of the State, and may issue therefor its obligations. Such obligations, other than those to refund a lawful debt, shall not be valid unless authorized by a majority of all votes cast by those resident qualified voters of the area affected by the taxes required to retire such obligations, who may vote thereon. In case of county obligations maturing after a period of five years, the same shall be issued to mature serially, fixing the first maturity of principal at a time not to exceed two years next after the date of the issuance of such obligations. Such obligations may pledge the full faith and credit of the county; but in no event shall the aggregate obligation so issued, in principal amount outstanding at any one time, exceed the then existing constitutional limits upon which such indebtedness and its supporting tax will constitute a first and superior lien upon the property taxable in such county. No obligation issued hereunder shall be valid unless, prior to the time of the issuance thereof, there be levied a tax sufficient to retire the same as it matures, which tax shall not exceed the then existing constitutional limits.

"(5) Such charter may authorize the governing body of a county, operating hereunder, to prescribe the schedule of fees to be charged by the officers of the county for specified services, to be in lieu of the schedule for such fees prescribed by the general laws of the State; and, to appropriate such fees to such funds as the charter may prescribe; provided, however, no fee for a specified service shall exceed in amount the fee fixed by general law for that same service. Such charters as to all judicial officers, other than district judges, may prescribe the qualifications for

service, provided, the standards therefor be not lower than those fixed by the general laws of the State.

“(6) a. Subject to the express limitations upon the exercise of the powers of this subdivision to be authorized, such charters may provide (or omit to provide) that the governmental and or proprietary functions of any city, town, district, or other defined political subdivision (which is a governmental agency and embraced within the boundaries of the county) be transferred, either as to some or all of the functions thereof, and yielded to the control of the administrative body of the county. No such transfer or yielding of functions may be affected, unless the proposal is submitted to a vote of the people, and, unless otherwise provided, by a two-thirds vote of the total membership of each House of the Legislature, such a proposal shall be submitted as a separate issue, and the vote within and without any such city, town, district, or other defined governmental entity shall be separately cast and counted, and unless two-thirds of the qualified votes cast within the affected defined governmental agency and a majority of the qualified votes cast in the remainder of the county favor the proposed merger, it shall not be effected. No city, town, district, or other governmental agency shall ever yield its governmental functions, or any of them, until the same is approved by a majority of two-thirds of the qualified voters of such city, town, district, or other governmental agency voting at an election held for the purpose. In the case of the mergers hereby authorized, without express charter provision therefor, in so far as may be required to make effective the object of the proposed merger, the county shall succeed to all the appropriate lawful powers, duties, rights, procedures, restrictions, and limitations which, prior to the merger, were reposed in, or imposed upon, the yielding governmental agency, to the same effect as though no such merger had been effected. Particularly, it is provided that the power to create funded indebtedness and to levy taxes in support thereof may be exercised only by such procedures, and within such limits, as now are, or hereafter may be, provided by law to control such appropriate other governmental agencies were they to be independently administered. Such mergers may be effect-

ed under proposed contracts between the county and any such yielding governmental agency, to be approved at an election as hereinbefore provided for. In order to increase governmental efficiency and effect economy, the county may contract with the principal city of the county to perform one or more of its functions, provided such contracts shall not be valid for more than two years.

“b. In case of the partial or complete merger of the government of a city operating under a home rule charter, with the government of a county operating hereunder, those city charter provisions affected thereby shall cease to control, and the county charter provisions shall control.

“c. When any embraced incorporated city or town elects to merge its governmental functions with those of the county under the provisions hereof, such charter may provide for defining and re-defining the boundaries of such cities and towns; provided, however, that in defining or re-defining the boundaries of such cities and towns, such boundaries may be extended only to include those areas contiguous to such cities as are urban in character, and as to such cities or towns, and for the benefit thereof the county, in addition to the primary city and county tax herein authorized, and any other lawful district tax, may levy and collect taxes upon the property taxable within such city or town as defined or re-defined within the limits authorized by Sections 4 and 5, of Article XI, of this Constitution (or any amendment thereof), for incorporated cities according to the population; provided, that no tax greater than that existing at the time of such merger, or for any added purpose, shall be imposed upon any such city or town, unless authorized by a majority of all votes cast by the resident qualified voters of such city or town.

“d. Areas urban in character, though not incorporated, under appropriate charter provision, may be defined as such by the governing body of the county; provided, however, that no portion of the county shall be defined as an urban area unless it has sufficient population to entitle it to incorporate under the then existing laws of the State; and no such urban area, when created, shall be vested with any taxing or bonding power which it would not possess if it were operating as a separate, incorporated

unit under the then existing constitutional and statutory provisions of this State; and provided further, that such defined urban area shall be administered by the governing board of the county, and shall be subject to additional taxation within the same constitutional limits as control taxation for a city or a town of like population. Likewise such charter may provide for the governing board of the county, subject to existing constitutional and statutory provisions to define, create, and administer districts, and shall have and exercise the powers and privileges granted by the Constitution and laws relative to the same; provided, however, the governing board of the county shall not be authorized to define, create, or administer districts in any manner other than as provided by the Constitution and laws of this State.

"e. Where cities and towns elect to merge their governmental functions with that of the county, all matters pertaining to special assessments and zoning shall be governed by the then existing constitutional provisions and general laws of the State; except where such city at the time of merger was operating under a home rule charter, then the provisions of the home rule charter of such city shall govern.

"(7) No provision of this Constitution in consonant with the provisions of this Section 3, of Article IX, shall be held to control the provisions of a charter adopted hereunder, and conforming herewith. Charters adopted hereunder shall make appropriate provision for the abandonment, revocation, and amendment thereof, subject only to the requirements that there must be a favoring majority of the vote cast upon such a proposal, by the qualified resident electors of the county; and, no charter may forbid amendments thereof for a time greater than two years. The provisions hereof shall be self-executing, subject only to the duty of the Legislature to pass all laws (consistent herewith) which may be necessary to carry out the intent and purpose hereof. Further, the Legislature shall prescribe a procedure for submitting to decision, by a majority vote of the electors voting thereon, proposed alternate and elective charter provisions.'

"Sec. 2. The foregoing constitutional amendment shall be submitted

to the qualified electors of the State at an election to be held throughout the State on the first Tuesday after the first Monday in November, 1934, at which election all ballots shall have printed thereon the following:

"For the amendment to Article IX, of the Constitution of Texas, adding Section 3, providing authority for the adoption of a home rule charter by the voters in counties having a population of 100,000 or more to effect more efficient and economical government within such counties, and to authorize mergers of separate governmental agencies within such counties as may, from time to time, be authorized by vote of the people therein;

"Against the amendment to Article IX, of the Constitution of Texas, adding Section 3, providing authority for the adoption of a home rule charter by the voters in counties having a population of 100,000 or more to effect more efficient and economical government within such counties, and to authorize mergers of separate governmental agencies within such counties as may, from time to time, be authorized by vote of the people therein.'

"Each voter shall scratch out one of the above listed clauses on such ballot, leaving unscratched that particular clause which expresses his vote on the proposed amendment to which it relates.

"Sec. 3. The Governor of this State is hereby directed to issue the necessary proclamation, ordering an election in conformity herewith, to determine whether or not the proposed constitutional amendment set forth herein shall be adopted, and the Governor shall have the same published as required by the Constitution and laws of this State.

"Sec. 4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury, not otherwise appropriated, to defray the expenses of printing said proclamation and holding such election."

Mr. Harman offered the following amendment to the committee amendment:

Amend committee amendment to House Joint Resolution No. 1, page 2, line 18, by inserting between the

word "and" and "counties," the word "separately."

The amendment was adopted.

Mr. Harman offered the following amendment to the committee amendment:

Amend committee amendment to House Joint Resolution No. 1, page 2, line 19, by inserting between the words "and" and "without" the following: "a favoring majority of the vote cast."

The amendment was adopted.

Mr. Long offered the following amendment to the committee amendment:

Amend committee amendment to House Joint Resolution No. 1, page 1, line 33, by changing the figures "100,000" to "65,000."

Mr. Bedford offered the following substitute for the amendment by Mr. Long:

Amend committee amendment No. 1 to House Joint Resolution No. 1 by striking out "100,000," wherever it appears in said resolution, and insert in lieu thereof the figures "60,000."

Question — Shall the substitute amendment by Mr. Bedford be adopted?

#### RECESS

On motion of Mr. Alexander, the House, at 12 o'clock m., took recess to 1:30 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 1:30 o'clock p. m., and was called to order by the Speaker.

#### ADDRESS BY REPRESENTATIVES OF FARM DEMONSTRATION WORK

In accordance with the provisions of House Concurrent Resolution No. 67, providing for a Joint Session of the House and Senate, to hear representatives of the farm demonstration work, the Honorable Senate, at 1:30 o'clock p. m., appeared at the Bar of the House, and, being admitted, occupied seats prepared for them along the aisle.

Lieutenant-Governor Edgar E. Witt occupied a seat on the Speaker's stand.

Speaker Stevenson called the House to order, and announced that the two

Houses were in Joint Session for the purpose of hearing representatives of the county and home demonstration work.

Lieutenant-Governor Edgar E. Witt called the Senate to order.

Speaker Stevenson presented Mr. Jack Shelton, of Luling, Texas, who, in turn, introduced Mrs. Ben Anthony, of Tyler, Texas, president of the Texas home demonstration work.

Mrs. Anthony then addressed the assemblage.

Mr. Shelton introduced the various representatives of the farm demonstration work, who addressed the assemblage briefly.

At 3 o'clock p. m., Lieutenant-Governor Edgar E. Witt announced that the business of the Joint Session was finished.

The Senate then retired to its Chamber.

#### ENDORISING JACK LOVE FOR CERTAIN POSITION

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 43, Endorsing Jack Love for certain position.

Whereas, The Senate of the Forty-third Legislature of Texas numbers among its employes Jack Edward Love, a young man of exceptional ability, pleasing manner, and engaging, and cheerful personality; and

Whereas, Jack is a native Texan, is 14 years of age, and now resided at 455 St. Louis Avenue, Fort Worth, Texas; and

Whereas, This young man is ambitious to make for himself a place in the world of political affairs, and in this connection, is eminently fitted by disposition to fill a place in the capacity to which he aspires; and

Whereas, Many of the friends of Jack are anxious to assist him in attaining employment in the Congress of the United States; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the application of Jack Love for a position as page in the Congress be endorsed by the Forty-third Legislature of Texas; and be it further

Resolved, That a copy of this resolution be forwarded to the Texas

delegation in Congress, with the request that its Members assist Jack in locating such a position as he may be capable of filling with credit to himself and with honor to his State.

Signed—Rawlings, Regan, Moore, Beck, Blackert, Collie, Cousins, DeBerry, Duggan, Fellbaum, Greer, Holbrook, Hopkins, Hornsby, Martin, Murphy, Neal, Oneal, Pace, Parr, Patton, Poage, Purl, Redditt, Russek, Sanderford, Small, Stone, Woodruff, Woodul, Woodward.

The resolution was read second time, and was adopted.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, April 18, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to grant the request of the House for the appointment of a new conference committee on Senate Bill No. 262.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 85

Mr. Young submitted the following conference committee report on Senate Bill No. 85:

Committee Room,  
Austin, Texas, April 18, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the two Houses on Senate Bill No. 85, have had same under consideration, and beg leave to recommend that said bill do pass in form and text as submitted herewith:

"S. B. No. 85,

#### A BILL

To Be Entitled

An Act amending Article 1020, Title 15, Chapter 2, Code of Criminal Procedure, relating to fees to be paid by the State to officers in examining

trials and inhibiting the paying of additional mileage to sheriffs and constables for subsequent arrests of the defendant in the same case, or in any other case in an examining court, or in any district court, based upon the same charge, or upon the same criminal act, or growing out of the same criminal transaction, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1020, Title 15, Chapter 2, Code of Criminal Procedure, be amended so as to hereafter read as follows:

"Article 1020. In each case where a county judge or a justice of the peace shall sit as an examining court in a felony case, they shall be entitled to the same fees allowed by law for similar services in misdemeanor cases to justices of the peace, and ten cents for each one hundred words for writing down the testimony to be paid by the State, not to exceed three and no/100 dollars (\$3.00), for all his services in any one case.

"Sheriffs and constables serving process and attending any examining court in the examination of any felony case shall be entitled to such fees as are fixed by law for similar services in misdemeanor cases in county court, to be paid by the State, not to exceed four and no/100 dollars (\$4.00) in any one case, and mileage actually and necessarily traveled in going to the place of arrest, and for conveying the prisoner or prisoners to jail as provided in Articles 1029 and 1030, Code of Criminal Procedure, as the facts may be, but no mileage whatever shall be paid for summoning or attaching witnesses in the county where case is pending. Provided, no sheriff or constable shall receive from the State any additional mileage for any subsequent arrest of a defendant in the same case, or in any other case in an examining court or in any district court based upon the same charge or upon the same criminal act, or growing out of the same criminal transaction, whether the arrest is made with or without a warrant, or before or after indictment, and in no event shall he be allowed to duplicate his fees for mileage for making arrests, with or without warrant, or when two or more warrants of arrest or capiases are served, or could have

been served, on the same defendant on any one day.

"District and county attorneys, for attending and prosecuting any felony case before an examining court, shall be entitled to a fee of five and no/100 dollars (\$5.00), to be paid by the State for each case prosecuted by him before such court. Such fee shall not be paid except in cases where the testimony of the material witnesses to the transaction shall be reduced to writing, subscribed and sworn to by said witnesses; and provided further, that such written testimony of all material witnesses to the transaction shall be delivered to the district clerk under seal, who shall deliver the same to the foreman of the grand jury and take his receipt therefor. Such foreman shall, on or before the adjournment of the grand jury, return the same to the clerk, who shall receipt him, and shall keep said testimony in the files of his office for a period of five years.

"The fees mentioned in this Article shall become due and payable only after the indictment of the defendant for an offense based upon or growing out of the charge filed in the examining court and upon an itemized account, sworn to by the officers claiming such fees, approved by the judge of the district court, and said county or district attorney shall present to the district judge the testimony transcribed in the examining trial, who shall examine the same and certify that he has done so, and that he finds the testimony of one or more witnesses to be material; and provided further, that a certificate from the district clerk, showing that the written testimony of the material witnesses has been filed with said district clerk, in accordance with the preceding paragraph, shall be attached to said account before such district or county attorney shall be entitled to a fee in any felony case for services performed before an examining court.

"Only one fee shall be allowed to any officer mentioned herein for services rendered in an examining trial, though more than one defendant is joined in the complaint, or a severance is had. When defendants are proceeded against separately, who could have been proceeded against jointly, but one fee shall be allowed in all cases that could have been so joined. No more than one fee shall be allowed to any officer where more

than one case is filed against the same defendant for offenses growing out of the same criminal act or transaction. The account of the officer and the approval of the district judge must affirmatively show that the provisions of this Article have been complied with."

Sec. 2. The fact that the interests of the peace officers and the State can best be served by the passage of this bill creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be, and the same is hereby, suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

PURL,  
STONE,  
BECK,  
SMALL,  
MOORE,

On the part of the Senate;

YOUNG,  
JONES of Atascosa,  
BURNS,  
GRAVES,  
CATHEY,

On the part of the House.

On motion of Mr. Jones of Atascosa, the report was adopted.

Mr. Wells moved a call of the House for the purpose of maintaining a quorum until 5 o'clock p. m., today, and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

#### HOUSE JOINT RESOLUTION NO. 1 ON SECOND READING

The House resumed consideration of pending business, same being House Joint Resolution No. 1, to authorize certain counties to adopt home rule charters, etc.; the resolution having heretofore been read second time, with committee amendment by Mr. Morse, amendment by Mr. Long to the committee amendment, and substitute by Mr. Bedford for the amendment by Mr. Long, pending.

Question recurring on the substitute amendment by Mr. Bedford, it was adopted.

The amendment to the amendment as substituted was then adopted.



Mr. Harman offered the following amendment to the committee amendment:

Amend committee amendment to House Joint Resolution No. 1, page 2, line 21, by striking out the words "expressly is," and insert in lieu thereof the following: "is expressly."

The amendment was adopted.

The committee amendment as amended was then adopted.

Mr. Morse offered the following amendment to the resolution:

Amend House Joint Resolution No. 1 by striking out all above the resolving clause, and inserting in lieu thereof the following:

"H. J. R. No. 1, Proposing an amendment to the Constitution of the State of Texas by adding to Article IX thereof, a new section, to be numbered 3, providing that any county having a population of 100,000 or more may adopt a home rule charter for the establishment and regulation of its government, and which charter may provide that the commissioners court may serve as the governing body, or that some other body may act in lieu thereof; and providing the method of adopting such charter and fixing the powers, as well as the limitations on the powers, of the governing body of any county adopting such charter; and providing the method of compensating certain officers of such counties, and for the consolidation and creation of said offices by the governing body of such counties; and providing for the partial or complete merging of the governments of cities and towns within the county with the county government; and providing for contracts between the county, city, town, and district within the county to perform one or more functions; and providing for the assessment and levying of taxes in counties adopting any such charter, and for the assessment, and levying, and collection of taxes in merged incorporated cities and towns; and providing for the defining and re-defining of the boundaries of cities and towns, and for the defining of urban areas in such counties; and providing for the levying of special assessments and for zoning such cities and towns; and providing for the borrowing of money and the refunding of lawful debts by any such county, and fixing the character of obligations to be is-

sued therefor, and requiring the levying of a tax sufficient to retire obligations prior to the issuance of such obligations; and fixing limitations upon the powers and duties of the governing board of all such counties with reference to levying and assessing taxes and incurring obligations; and providing for the abandonment, revocation, and amendment of such charter; and providing that the Legislature may pass all laws consistent herewith, which may be necessary to carry out the intent and purposes thereof; and requiring the submission of this amendment at an election, fixing the clauses which shall be printed on the ballot at such election; and providing for the issuance of a proclamation by the Governor ordering such election, and fixing the amount of an appropriation to defray the expenses of such election."

MORSE,  
SHANNON.

The amendment was adopted.

By unanimous consent of the House, the caption of the resolution was ordered amended to conform to all changes made in the body of the resolution.

House Joint Resolution No. 1 was then passed to engrossment by the following vote:

Yeas—80

Aikin.	Hill of Webb.
Alexander.	Holekamp.
Anderson	Holland.
of Johnson.	Holloway.
Barrett.	Hoskins.
Bedford.	Hughes.
Bradley.	Hyder.
Burns.	Jackson.
Butler.	James.
Cathey.	Jefferson.
Caven.	Jones of Atascosa.
Clayton.	Jones of Shelby.
Coombes.	Kayton.
Dean.	Kyle of Palo Pinto.
Dunagan.	Laird.
Dwyer.	Lemens.
Fain.	Mackay.
Few.	McClain.
Ford.	McDougald.
Good.	McGregor.
Griffith.	Metcalfe.
Hankamer.	Moffett.
Harman.	Moore.
Harris.	Morse.
Harrison.	Munson.
Hartzog.	Nicholson.
Head.	Parkhouse.

Ramsey.	Shannon.
Ratliff.	Smith.
Ray.	Stanfield.
Reader.	Steward.
Reed of Dallas.	Stinson.
Renfro.	Tennyson.
Riddle.	Townsend.
Roberts.	Turlington.
Rogers	Van Zandt.
of Ochiltree.	Vaughan.
Rollins.	Wagstaff.
Ross.	Walker.
Savage.	Weinert.
Scott.	Winningham.

## Nays—38

Adamson.	Hodges.
Alsup.	Huddleston.
Baker.	Hunt.
Barron.	Jones of Runnels.
Beck.	Latham.
Bourne.	Leonard.
Calvert.	Lindsey.
Colson.	Magee.
Cowley.	Merritt.
Crossley.	Mitcham.
Davidson.	Pavlica.
Fisher.	Pope.
Fuchs.	Puryear.
Glass.	Scarborough.
Golson.	Shults.
Goodman.	Stovall.
Greathouse.	Thomas.
Haag.	Wells.
Hicks.	Young.

## Present—Not Voting

Devall.	Kyle of Hays.
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## Absent

Anderson	Long.
of Bexar.	Lotief.
Camp.	Mathis.
Canon.	McKee.
Chastain.	Morrison.
Daniel.	Palmer.
Dunlap.	Patterson.
Duvall.	Reed of Bowie.
Engelhard.	Rogers of Hunt.
Graves.	Russell.
Hester.	Tarwater.
Hill of Brazoria.	Tillery.
Johnson	West.
of Anderson.	Wood.

## Absent—Excused

Johnson	McCullough.
of Dimmit.	Sullivant.

HOUSE JOINT RESOLUTION NO.  
14 ON SECOND READING

The Speaker laid before the House,  
on its second reading,

H. J. R. No. 14, Proposing an amendment to Article V, of the Constitution of the State of Texas, by adding a new section thereto with four lettered subdivisions, providing for the abolishment of the fee method of compensating county and precinct officers, and providing that all such officers be paid on a salaries basis; and providing for the payment of all fees into the county treasury; and conferring upon commissioners court general management and control of county affairs; and providing for the appointment of certain officers by the commissioners court, and the combining of any such offices, etc.; repealing all provisions of the Constitution in conflict therewith; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor."

The resolution was read second time.

Mr. Moffett offered the following committee amendment to the resolution:

Amend House Joint Resolution No. 14 by striking out all below the resolving clause, and inserting in lieu thereof the following:

"Section 1. That there be added to Article IX, of the Constitution of the State of Texas, a new Section, to be numbered Section 2-a, and to have eight lettered subdivisions, and which Section shall read as follows:

" 'Section 2-a. (a) All district officers in the State, and all county officers in counties having a population of 20,000, or more, according to the then last preceding Federal Census, shall hereafter be compensated on a salary basis. In all counties of this State the commissioners court shall be authorized to determine whether precinct officers shall be compensated on a fee basis or on a salary basis; and in counties having a population of less than 20,000, according to the then last preceding Federal Census, the commissioners court shall also have the authority to determine whether county officers shall be compensated on a fee basis or on a salary basis. All fees earned by district, county, and precinct officers shall be paid into the county treasury where earned, for the account of the proper fund; provided, that fees incurred by the State, county, and any municipality, or in case where pauper's oath is filed, shall be

paid into the county treasury when collected, and provided that where any officer is compensated wholly on a fee basis, such fees may be retained by such officer, or paid into the treasury of the county, as the commissioners court may direct. All notaries public shall continue to be compensated on a fee basis.

“(b) General management and control of the affairs of the county shall hereafter be vested in the commissioners court; provided, that in the exercise of powers not specifically granted to the commissioners court by the Constitution, and amendments thereto, the court shall be subject to the authority of the Legislature of the State, and the court shall also be subject to all general laws of the State now in force, not in conflict with the provisions of this amendment, until such laws are modified or repealed.

“(c) All duties heretofore performed by the clerk of the district court, and the county clerk, shall hereafter be performed by an officer to be known as record clerk; all duties heretofore performed by the county tax assessor and the county tax collector shall hereafter be performed by one officer to be known as tax clerk; and in counties where the sheriff performs the duties of tax collector he may hereafter perform the duties of tax clerk. The record clerk and the tax clerk shall be elected to hold office for a term of two years and until their successors shall be elected and qualified. The commissioners court shall have authority to combine the office of county treasurer and the office of county surveyor, or to combine either, or both, of said offices with any other county office. The commissioners court shall fix the compensation of all district officers, whose services are confined to one county, and of all county and precinct officers, determine the number of deputies, assistants, and clerical personnel of all such offices, and fix their compensation; provided, that the Legislature shall fix the compensation of the county judge and the county commissioners and the maximum compensation of all district, county, and precinct officers.

“(d) In addition to the county and precinct officers which the presiding officer of the commissioners court and the commissioners court are now authorized to appoint, the voters of any county in Texas may, by a majority vote of the qualified electors cast at an

election held for that purpose, authorize the commissioners court to appoint any, or all, county officers, then required to be elected; provided, however, that Members of the Legislature, members of the commissioners court, judges of all courts of record, county attorneys, if any, and district attorneys, if any, shall always be elected; and provided further, that upon a petition of 1,000 qualified voters of such county, or 10 per cent of the resident qualified voters of such county, the commissioners court shall order an election for the purpose of determining the manner of selecting county and precinct officers included in said petition, as herein provided; after the first election is held in any county to determine the manner of selecting county officers, four years must elapse before another such election can be held; provided further, that in any election to determine the manner of selecting county officers, only such officers shall be included as were included in the petition, and the question as to each office shall be submitted as a separate issue.

“(e) City and county officers and employes may, in addition to their duties as such city or county officers or employes, be required to perform such other similar duties for cities, towns, and districts within the county, or for the county, as may be mutually agreed upon and contracted for between the commissioners court of said county and the governing board, or boards, of such cities, towns, and districts, and the costs of such services shall be provided for in said contracts and paid by such county, cities, towns, or districts into the treasury of the county or city, town or district, as provided for in said contract. All such contracts shall be approved by the Attorney General of the State, and such contracts shall not cover a period of longer than two years.

“(f) The Legislature shall have authority, by general law, to provide for complete forms of county government and organization different from that provided for in this Constitution, to become effective in any county when submitted in such manner as may be prescribed by the Legislature to the qualified voters of such county in an election held for such purpose and approved by a majority of the qualified voters voting in said election; provided, however, that no such law shall impair the right of the com-

missioners court to determine the compensation of county and precinct officers, to fix the number of assistants, deputies, and clerical personnel which officers may employ, nor shall such general law change present constitutional limitations as to particular and total tax levies for any or all county purposes, nor shall such general law change present constitutional limitations on counties to incur public debt.

"(g) In any and all cases where provisions of the Constitution of this State are in conflict with the provisions of this amendment the provisions of this amendment (Section 2-a, Article IX), shall control; provided, however, should any county adopt a home rule charter under authority of any provisions of the State Constitution, or amendment thereto, this amendment shall not be applicable to such county."

"Sec. 2. The foregoing constitutional amendment shall be submitted to the electors of this State, qualified to vote on constitutional amendments, at an election to be held throughout the State on the first Tuesday after the first Monday in November, A. D. 1934, at which election each ballot shall have printed thereon the words:

"For the amendment of Article IX, of the State Constitution, by adding Section 2-a thereto, abolishing the fee system of compensating all district officers and all county officers, in counties having a population of 20,000 or more, and giving the commissioners court general management and control of county affairs, and authorizing the Legislature to provide more economical forms of county government, different than as now provided by law.

"Against the amendment to Article IX, of the State Constitution, by adding Section 2-a thereto, abolishing the fee system of compensating all district officers, and all county officers in counties having a population of 20,000 or more, and giving the commissioners court general management and control of county affairs, and authorizing the Legislature to provide more economical forms of county government, different than as now provided by law."

"Each voter shall scratch out with pen or pencil the clause which he desires to vote against so as to indicate whether he is voting for or against said proposed amendment.

"Sec. 3. The Governor of this State is hereby directed to issue the necessary proclamation for said election, and have the same published as required by the Constitution and laws of the State of Texas.

"Sec. 4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury, not otherwise appropriated, to pay the expenses of such publication and election."

Mr. Moffett offered the following amendments to the committee amendment:

(1)

Amend committee amendment No. 1 to House Joint Resolution No. 14, by adding, before the word "shall," in line 6, page 2, the following: "and all county surveyors."

(2)

Amend committee amendment No. 1, to House Joint Resolution No. 14, by adding, after the word "cast," in line 1, page 3, the word "at."

(3)

Amend committee amendment No. 1, to House Joint Resolution No. 14, by adding, after the word "county," in line 8, page 3, the following: "qualified to vote at such election,"

The amendments were severally adopted.

Mr. Burns offered the following amendment to the committee amendment:

Amend committee amendment to House Joint Resolution No. 14, page 3, line 6, after the word "district attorney," and add the following: "sheriff, tax assessor, tax collector, justice of the peace, and county superintendent."

BURNS,  
DUNAGAN.

(Mr. Renfro in the Chair.)

Mr. Laird offered the following substitute for the amendment by Mr. Burns:

Substitute for amendment to committee amendment to House Joint Resolution No. 14 by striking out Subsection d, of Section 1.

The substitute amendment was adopted.

The amendment as substituted was then adopted.

Mr. Dunagan moved to table the resolution.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—20

Baker.	Magee.
Burns.	McKee.
Daniel.	Merritt.
Dunagan.	Mitcham.
Goodman.	Puryear.
Griffith.	Scarborough.
Hicks.	Tillery.
Jones of Shelby.	Townsend.
Kyle of Palo Pinto.	Vaughan.
Lotief.	Wood.

## Nays—99

Adamson.	Holland.
Aikin.	Hoskins.
Alexander.	Huddleston.
Alsup.	Hughes.
Anderson	Hunt.
of Bexar.	Hyder.
Anderson	Jackson.
of Johnson.	James.
Beck.	Jones of Atascosa.
Bedford.	Jones of Runnels.
Bourne.	Kayton.
Bradley.	Latham.
Calvert.	Leonard.
Camp.	Lindsey.
Canon.	Mackay.
Caven.	Mathis.
Chastain.	McClain.
Clayton.	McDougald.
Coombes.	Metcalfe.
Cowley.	Moffett.
Crossley.	Moore.
Davidson.	Morrison.
Dean.	Morse.
Devall.	Munson.
Dwyer.	Nicholson.
Engelhard.	Palmer.
Fain.	Parkhouse.
Few.	Ratliff.
Ford.	Ray.
Glass.	Reader.
Golson.	Reed of Bowie.
Good.	Reed of Dallas.
Greathouse.	Riddle.
Haag.	Roberts.
Hankamer.	Rogers of Hunt.
Harris.	Rogers
Hartzog.	of Ochiltree.
Hester.	Rollins.
Hill of Brazoria.	Ross.
Hodges.	Russell.
Holekamp.	Savage.

Scott.  
Shannon.  
Shults.  
Smith.  
Stanfield.  
Steward.  
Stinson.  
Stovall.  
Sullivant.  
Tarwater.

Tennyson.  
Thomas.  
Turlington.  
Van Zandt.  
Wagstaff.  
Walker.  
Weinert.  
Wells.  
Winningham.  
Young.

## Absent

Barrett.	Jefferson.
Barron.	Johnson
Butler.	of Anderson.
Cathey.	Kyle of Hays.
Colson.	Laird.
Dunlap.	Lemens.
Duvall.	Long.
Fisher.	McGregor.
Fuchs.	Patterson.
Graves.	Pavlica.
Harman.	Pope.
Harrison.	Ramsey.
Head.	Renfro.
Hill of Webb.	West.
Holloway.	

## Absent—Excused

Johnson	McCullough.
of Dimmit.	

Mr. Vaughan offered the following amendment to the committee amendment:

Amend committee amendment to House Joint Resolution No. 14, page 1, Section 2-a, line 29, by changing the figures "20,000" to "50,000."

(Speaker in the Chair.)

On motion of Mr. Metcalfe, the amendment by Mr. Vaughan was tabled.

Mr. Calvert offered the following amendment to the committee amendment:

Amend committee amendment to House Joint Resolution No. 14 by adding after the word "maximum," in line 36, page 2, the words "and minimum."

The amendment was adopted.

Mr. McKee offered the following amendment to the committee amendment:

Amend committee amendment to House Joint Resolution No. 14 by inserting at the end of line 36, on page 2, the following: "Provided, that this subsection shall not apply to counties of 100,000 or more."

On motion of Mr. Coombes, the amendment was tabled.

The committee amendment as amended was then adopted.

Mr. Moffett offered the following committee amendment to the resolution:

Amend House Joint Resolution No. 14 by striking out all above the resolving clause, and inserting in lieu thereof the following:

"H. J. R. No. 14, Proposing an amendment to Article IX, of the Constitution of the State of Texas, by adding a new Section, to be numbered Section 2-a, said Section to have eight lettered subdivisions, providing for the abolishment of the fee method of compensating all district officers in this State, and county officers in counties of this State having a population of 20,000 or more, and providing that all such district and county officers be paid on a salary basis; and providing that all precinct officers may be compensated on a fee basis or on a salary basis, and providing for the payment of fees into the county treasury; and conferring upon commissioners court general management and control of county affairs; providing for combining of certain offices, and providing for the fixing of compensation of all county and precinct officers, and determining the number of deputies, assistants, and clerical help of all county and precinct officers, and authorizing the commissioners court to appoint certain county and precinct officers when authorized by a majority vote of the qualified electors of the county; and providing for an election to determine the manner of selecting county officers; and providing for certain officers and employes performing additional duties for cities, towns, and districts within their county when required, and authorizing contracts between commissioners court and cities, towns, and districts for the performance of such additional duties, and providing for the payment therefor; and providing for approval of such contracts by the Attorney General of the State; and providing that the Legislature may, by general law, provide for complete forms of county government and organization different from that provided for in this Constitution, and requiring an election in such county with reference thereto; and giving to the commissioners court

certain powers with limitations thereon, and providing that no provision of this Constitution in conflict herewith shall hereafter be held to control, except with reference to counties operating under home rule charters; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor."

The amendment was adopted.

By unanimous consent of the House, the caption of the resolution was ordered amended to conform to all changes made in the body of the resolution.

House Joint Resolution No. 14 was then passed by the following vote:

Yeas—100

Adamson.	Jones of Atascosa.
Aikin.	Jones of Runnels.
Alexander.	Kayton.
Alsop.	Kyle of Palo Pinto.
Anderson	Laird.
of Johnson.	Lindsey.
Beck.	Lotief.
Bedford.	Mackay.
Bourne.	Mathis.
Bradley.	McClain.
Calvert.	McDougald.
Camp.	McKee.
Canon.	Metcalfe.
Cathey.	Mitcham.
Caven.	Moffett.
Clayton.	Moore.
Coombes.	Morrison.
Cowley.	Morse.
Crossley.	Munson.
Dean.	Nicholson.
Devall.	Parkhouse.
Dunagan.	Patterson.
Engelhard.	Pavlica.
Fain.	Ratliff.
Fisher.	Ray.
Ford.	Reader.
Glass.	Reed of Bowie.
Good.	Reed of Dallas.
Greathouse.	Renfro.
Haag.	Riddle.
Hankamer.	Roberts.
Harman.	Rogers
Harris.	of Ochiltree.
Hartzog.	Rollins.
Head.	Ross.
Hester.	Russell.
Hill of Brazoria.	Savage.
Hodges.	Scarborough.
Holland.	Scott.
Hoskins.	Shannon.
Huddleston.	Shults.
Hughes.	Smith.
Hunt.	Stanfield.
Hyder.	Steward.
Jackson.	Stinson.

Sullivan.  
Tarwater.  
Tennyson.  
Thomas.  
Townsend.  
Turlington.

Van Zandt.  
Wagstaff.  
Walker.  
Winningham.  
Wood.  
Young.

## Nays—21

Baker.  
Barrett.  
Chastain.  
Daniel.  
Few.  
Golson.  
Goodman.  
Griffith.  
Hicks.  
James.  
Jones of Shelby.

Magee.  
Merritt.  
Palmer.  
Pope.  
Puryear.  
Rogers of Hunt.  
Stovall.  
Tillery.  
Vaughan.  
Weinert.

## Absent

Anderson  
of Bexar.  
Barron.  
Burns.  
Butler.  
Colson.  
Davidson.  
Dunlap.  
Duvall.  
Dwyer.  
Fuchs.  
Graves.  
Harrison.  
Hill of Webb.

Holekamp.  
Holloway.  
Jefferson.  
Johnson  
of Anderson.  
Kyle of Hays.  
Latham.  
Lemens.  
Leonard.  
Long.  
McGregor.  
Ramsey.  
Wells.  
West.

## Absent—Excused

Johnson  
of Dimmit.

McCullough.

## RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

H. C. R. No. 67, Providing for a Joint Session of the House and Senate to hear addresses by representatives of the home and farm demonstration work of Texas.

## HOUSE BILLS ON FIRST READING

Mr. Caven moved to introduce, at this time, have placed on first reading, and referred to the appropriate committee, the following bill:

The motion prevailed by the following vote:

Yeas—115

Adamson.

Aikin.

Alexander.  
Alsup.  
Anderson  
of Johnson.  
Baker.  
Barrett.  
Barron.  
Beck.  
Bedford.  
Bourne.  
Bradley.  
Burns.  
Calvert.  
Camp.  
Canon.  
Caven.  
Chastain.  
Clayton.  
Crossley.  
Daniel.  
Dean.  
Devall.  
Dunagan.  
Engelhard.  
Fain.  
Few.  
Fisher.  
Glass.  
Golson.  
Good.  
Goodman.  
Greathouse.  
Griffith.  
Haag.  
Hankamer.  
Harman.  
Harris.  
Hartzog.  
Head.  
Hester.  
Hicks.  
Hodges.  
Holekamp.  
Holland.  
Hoskins.  
Huddleston.  
Hughes.  
Hyder.  
Jackson.  
James.  
Jones of Atascosa.  
Jones of Runnels.  
Jones of Shelby.  
Kayton.  
Kyle of Palo Pinto.  
Laird.  
Lemens.  
Leonard.

Lindsey.  
Lotief.  
Mackay.  
Magee.  
McClain.  
McDougald.  
McKee.  
Merritt.  
Metcalf.  
Mitcham.  
Moffett.  
Moore.  
Morrison.  
Morse.  
Munson.  
Nicholson.  
Palmer.  
Parkhouse.  
Patterson.  
Pope.  
Puryear.  
Ratliff.  
Ray.  
Reader.  
Reed of Bowie.  
Reed of Dallas.  
Renfro.  
Riddle.  
Roberts.  
Rogers of Hunt.  
Rogers  
of Ochiltree.  
Rollins.  
Ross.  
Russell.  
Savage.  
Scarborough.  
Shannon.  
Shults.  
Smith.  
Stanfield.  
Steward.  
Stinson.  
Stovall.  
Tarwater.  
Tennyson.  
Thomas.  
Tillery.  
Townsend.  
Turlington.  
Van Zandt.  
Wagstaff.  
Walker.  
Weinert.  
Wells.  
Winningham.  
Wood.

## Present—Not Voting

Vaughan.

## Absent

Anderson  
of Bexar.  
Butler.  
Cathey.

Colson.  
Coombes.  
Cowley.  
Davidson.

Dunlap.	Johnson
Duvall.	of Anderson.
Dwyer.	Kyle of Hays.
Ford.	Latham.
Fuchs.	Long.
Graves.	Mathis.
Harrison.	McGregor.
Hill of Brazoria.	Pavlica.
Hill of Webb.	Ramsey.
Holloway.	Scott.
Hunt.	West.
Jefferson.	Young.

Absent—Excused

Johnson	McCullough.
of Dimmit.	Sullivant.

The Speaker then laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Caven:

H. B. No. 892, A bill to be entitled "An Act making it unlawful for any person, firm, or corporation to pack any goods, fruits, or vegetables, intended for delivery to any other person, firm, or corporation, or for transportation by common carrier, or for sale either by retail, or wholesale, or consignment with filthy, contaminated, or unsanitary packing material or filthy, contaminated, or unsanitary boxes, crates, baskets, hampers, sacks, or similar containers, which have been exposed to contagious or infectious diseases, etc., and declaring an emergency."

Referred to Committee on Public Health.

The following House bill, introduced today, by unanimous consent, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Sullivant:

H. B. No. 893, A bill to be entitled "An Act providing for the taking of fish from the fresh waters of Cooke County, Texas, and making it unlawful to take any such fish except by ordinary hook and line, or by seine, or net, the mesh of which is less than one and one-half inches square; providing that seines and nets may be used only during the month of August, etc.; and declaring an emergency."

Referred to Committee on Game and Fisheries.

Mr. Thomas moved that the following bill be introduced today, read first time, and referred to the appropriate committee.

The motion prevailed by the following vote:

Yeas—108

Adamson.	Lemens.
Aikin.	Leonard.
Alsup.	Lindsey.
Anderson	Lotief.
of Johnson.	Mackay.
Barrett.	Magee.
Barron.	McClain.
Beck.	McDougald.
Bedford.	McKee.
Bourne.	Merritt.
Bradley.	Metcalfe.
Burns.	Mitcham.
Calvert.	Moffett.
Camp.	Moore.
Canon.	Morrison.
Cathey.	Morse.
Chastain.	Munson.
Clayton.	Nicholson.
Cowley.	Palmer.
Crossley.	Patterson.
Daniel.	Pavlica.
Dean.	Puryear.
Devall.	Ratliff.
Engelhard.	Reader.
Fain.	Reed of Bowie.
Few.	Renfro.
Fisher.	Riddle.
Glass.	Roberts.
Golson.	Rogers of Hunt.
Greathouse.	Rogers
Griffith.	of Ochiltree.
Haag.	Rollins.
Hankamer.	Ross.
Harris.	Russell.
Head.	Savage.
Hester.	Scarborough.
Hicks.	Shannon.
Hill of Brazoria.	Shults.
Hodges.	Smith.
Holekamp.	Stanfield.
Holland.	Steward.
Hoskins.	Stinson.
Huddleston.	Stovall.
Hughes.	Sullivant.
Hunt.	Tarwater.
Hyder.	Tennyson.
Jackson.	Thomas.
James.	Tillery.
Jones of Atascosa.	Townsend.
Jones of Runnels.	Turlington.
Jones of Shelby.	Vaughan.
Kayton.	Wagstaff.
Kyle of Palo Pinto.	Wells.
Laird.	Winningham.
Latham.	Wood.

Absent

Alexander.

Anderson of Bexar.



Baker.	Holloway.
Butler.	Jefferson.
Caven.	Johnson
Colson.	of Anderson.
Coombes.	Kyle of Hays.
Davidson.	Long.
Dunlap.	Mathis.
Dunagan.	McGregor.
Duvall.	Parkhouse.
Dwyer.	Pope.
Ford.	Ramsey.
Fuchs.	Ray.
Good.	Reed of Dallas.
Goodman.	Scott.
Graves.	Van Zandt.
Harman.	Walker.
Harrison.	West.
Hartzog.	Young.
Hill of Webb.	

## Absent—Excused

Johnson	McCullough.
of Dimmit.	Weinert.

The Speaker laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Thomas:

H. B. No. 894, A bill to be entitled "An Act providing for an open season on prairie chickens, October 16 to October 19 of each year, both days inclusive; providing a penalty; and declaring an emergency."

Referred to Committee on Game and Fisheries.

## NOTICE GIVEN

Mr. McKee gave notice that he would, on next Friday, move to take up, for consideration at that time, House Bill No. 655, which bill had heretofore been laid on the table subject to call.

## BILL LAID ON THE TABLE SUBJECT TO CALL

Mr. Walker moved that House Bill No. 844 be laid on the table subject to call.

The motion prevailed.

## NOTICE GIVEN

Mr. Walker gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 844.

## RECESS

Mr. Wells moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Daniel moved that the House recess to 9:30 o'clock a. m., tomorrow.

The motion of Mr. Daniel prevailed, and the House, accordingly, at 5:20 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Education: House Bills Nos. 855 and 887; Senate Bill No. 107.

Counties: Senate Bill No. 294.

Claims and Accounts: House Bill No. 363; Senate Bill No. 251.

Public Lands and Buildings: House Bills Nos. 574 and 890.

Contingent Expenses: Senate Concurrent Resolution No. 34.

## REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,  
Austin, Texas, April 18, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 136, A bill to be entitled "An Act to amend Article 288, of the Penal Code of the State of Texas, 1925, as amended by Chapter 188, General Laws of the Fortieth Legislature, Regular Session, so as to make it lawful to teach modern languages in certain elementary grades, and in the high school grades, in public free schools, and making it lawful to teach the Spanish language in the elementary grades in the public free schools in counties bordering on the boundary line between the United States and the Republic of Mexico, having a city or cities of a population of 5,000 inhabitants, or more, according to the United States Census of 1920; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, April 18, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 264, A bill to be entitled  
"An Act providing the electors, voting  
in the election held for the issuance  
of bonds within the State of Texas  
or any political subdivision thereof,  
shall be the owner of taxable property  
in the State where such election is  
held, and which has been duly ren-  
dered for taxation, and providing the  
tax collector shall certify list of prop-  
erty owners to election judges, and  
providing that all such electors shall  
reside in the precinct in which he  
votes; and declaring an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, April 18, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 133, A bill to be entitled  
"An Act amending Article 923-h, Title  
13, Chapter 6, of the Penal Code of  
the State of Texas, providing for the  
sale by tanners and taxidermists of  
specimens in their possession un-  
claimed after the expiration of nine-  
ty (90) days, and exempting said tan-  
ners and taxidermists from penalties  
for possession, sale, barter, and trade  
of hides, heads, and carcasses of ani-  
mals during closed seasons,"

Has carefully compared same, and  
finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, April 18, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 845, A bill to be entitled  
"An Act authorizing independent  
school districts to build or purchase  
buildings and grounds for the pur-  
pose of constructing gymnasias, sta-  
dia, or other recreational facilities,  
and to encumber the same and the  
income thereof to secure the pay-  
ment of the purchase price to evidence  
the indebtedness created thereby by

the issuance of bonds, notes, or other  
evidences of indebtedness; providing  
that the purchaser shall have a fran-  
chise to operate same in case of fore-  
closure; providing that such obliga-  
tions shall never be a debt of such  
school district; providing that such  
projects shall be deemed self-liqui-  
dating in character; providing that  
repairs to such properties shall be a  
first lien; providing that the tolls,  
fees, and other charges made for the  
use thereof shall be at a rate suffi-  
cient to pay the current interest and  
provide the necessary sinking fund  
therefor; etc., and declaring an emer-  
gency,"

Has carefully compared same, and  
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,  
Austin, Texas, April 18, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 322, A bill to be entitled  
"An Act to fix the tuition to be col-  
lected from students registering in  
the schools of collegiate rank, support-  
ed in whole, or in part, by appropria-  
tion of public funds from the State  
Treasury; providing all funds collect-  
ed under the provisions of this bill be  
retained by such institution and ac-  
counted for annually as provided in  
the General Appropriation Bill; re-  
pealing all laws and parts of laws in  
conflict herewith; and declaring an  
emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,  
Austin, Texas, April 18, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 333, A bill to be entitled  
"An Act amending Article 2020, of  
the Revised Civil Statutes, 1925, with  
respect to the record in causes where  
a plea of privilege is sustained; pro-  
viding for severable causes, and re-  
quiring amended pleadings to con-  
form to court's ruling; and declaring  
an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, April 18, 1933.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 348, A bill to be entitled  
"An Act to amend Article 1738, Re-  
vised Civil Statutes of Texas of 1925  
(as amended by the Acts of 1927, For-  
tieth Legislature, First Called Session,  
page 148, Chapter 51, Section 1), so  
as to provide that the equalization of  
the business of the Courts of Civil  
Appeals shall be made by the Supreme  
Court, as of the close of business in  
said Courts of Civil Appeals on De-  
cember 31 and May 31 of each year;  
and declaring an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, April 18, 1933.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 427, A bill to be entitled  
"An Act for the designation, survey,  
construction, opening, and mainte-  
nance of a State Highway from Rivi-  
era to Raymondville, Texas, via Sari-  
ta; repealing all laws and parts of  
laws in conflict herewith; and declar-  
ing an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, April 18, 1933.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 725, A bill to be entitled  
"An Act providing that when a neces-  
sity exists for the appointment of a  
receiver of an insurance company by  
any court of competent jurisdiction in  
this State, that it shall be the duty of  
such court to enter its order so find-  
ing, and then to transfer the property  
and affairs of such insurance com-  
pany to the Board of Insurance Com-  
missioners of this State, which shall  
act as liquidating agent, in lieu of

any other receiver for the purpose of  
administering the affairs of such in-  
surance company; prescribing the  
powers and duties of the Board of  
Insurance Commissioners in connec-  
tion with winding up and adminis-  
tering the affairs of such insurance  
company, and authorizing the Board  
of Insurance Commissioners to ap-  
point necessary employes for that  
purpose, etc., and declaring an emer-  
gency,"

Has carefully compared same, and  
finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, April 18, 1933.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 450, A bill to be entitled  
"An Act amending Chapter 16, of the  
Acts of the General Laws of the  
Fourth Called Session of the Forty-  
first Legislature of the State of Texas,  
so as to provide that seventy-five per  
cent (75%) of the salary of the coun-  
ty judge may be paid out of the road  
and bridge fund and the remainder  
may be paid out of the general fund of  
the county, and that each county com-  
missioner's salary may be paid out of  
the road and bridge fund of the coun-  
ty; and declaring an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, April 18, 1933.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 890, A bill to be entitled  
"An Act to authorize and provide a  
method for the Commissioner of the  
General Land Office to lease to the  
Alejandro G. Trevino Post No. 390,  
of the American Legion, of Willacy  
County, Texas, certain submerged  
lands under the waters of Red Fish  
Bay, in Willacy County, Texas, adja-  
cent to certain tract of land now  
owned by said American Legion Post,  
which fronts on said Bay, and pre-  
scribing the terms and conditions of  
such lease; providing this lease does

not include the minerals in said lands, but all minerals are reserved to the State, and said lands shall be subject to mineral development under the general laws of the State; providing said lease shall be issued subject to all the game laws of this State, and the public rights of fishing and navigation over said submerged lands shall not be impaired thereby, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

#### REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,  
Austin, Texas, April 18, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 67, Inviting representatives of farm demonstration work to address a Joint Session of the House and Senate,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

#### FIFTY-SECOND DAY

(Continued)

(Wednesday, April 19, 1933)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

#### NAMING HELEN LOUISE McKEE AS QUEEN OF MASCOTS

Mr. McDougald offered the following resolution:

Whereas, We have with us today, have had for some time, and hope to be honored with her presence in the future, a young lady that always looks as if she had just stepped out of a flower bed; in her cheeks the carnations have left their glow, her lips have robbed the roses; a healthy, fragrant, glowing American girl, of the type that we love and protect, honor, and, most important of all—worship; and

Whereas, No higher tribute can be paid to woman—the sweetest and loveliest of God's creations; and

Whereas, The House of Representatives has heretofore elected several honorable young men to serve as official mascots for the House of Representatives; and

Whereas, It is altogether fitting and proper that this House should have a little queen to reign as official mascot queen for these young fellows; and

Whereas, Little Miss Helen Louise McKee, 3-year-old daughter of our esteemed and distinguished Member, Hon. H. L. McKee, of Port Arthur, Texas, is fully capable of filling this position; now, therefore, be it

Resolved by the House of Representatives, That Miss Helen Louise McKee, of Port Arthur, Texas, be, and she is hereby, officially named by this House as the Queen of the Mascots for the House of Representatives of the Forty-third Legislature of the State of Texas; and be it further

Resolved, That Miss Helen Louise McKee have her picture made and placed with the Members of the House in the official group picture when such group picture is assembled, and that she be so designated Queen of the Mascots of the House of Representatives.

McDOUGALD,  
NICHOLSON.

The resolution was read second time.

On motion of Mr. Anderson of Bexar, the names of all the Members of the House were added to the resolution as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holkamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Anderson, Johnson of Dimmit, Jones of Atascosa, Jones of Runnels, Jones of Shelby, Kayton, Kyle of Hays, Kyle of Palo Pinto, Laird, Latham,